

REMARKS

Claims 1-37 are pending in the application. In the Office Action, claims 1-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kuo et al (U.S. Patent No. 6,047,001, hereinafter "Kuo") in view of Onagawa (U.S. Patent No. 6,567,882). No claims have been cancelled and claims 31 - 37 were added. Therefore, claims 1-37 are presented for examination.

Applicants have amended claims 2 and 9 to correct inadvertent errors in claim language. Dependent claim 2 has been amended to remove the formative "data" in order to meet antecedent basis requirements. Dependent claim 9 was amended to replace the formative "method" with --storage device-- as understood at least from the inherent meaning of the original claim 9.

Applicants respectfully traverse the §103(a) rejection of claims 1-30 as being unpatentable over Kuo in view of Onagawa.

Kuo fails to teach, suggest, or otherwise disclose, among other things, a single write procedure for "storing the status information and the statistical information on a storage device" as recited in claim 1. Kuo's write procedure is not a single write procedure at all, but multiple writes to "contiguous" memory locations that may be retrieved during "a single read" operation (Kuo, col. 2, lines 18-43). Further the Office Action concedes that Kuo fails to disclose "receiving statistical

information concerning a bus condition" (OA, pg. 2, para. 2) as recited in Applicants' claims.

Onagawa was cited in an attempt to bolster the deficiencies of Kuo. However, regarding the statistical information, the Examiner appears to rely on the language of Onagawa at col. 6, line 63 to col. 7, line 7, where it reads that "PCI status information" is generated "showing the phase in the course of a transaction." This PCI status information is not "statistical information" at all, but, as stated in Onagawa, is information concerning the phase or stage of a PCI bus transaction, e.g., whether the phase is at an address stage, a data phase, etc., not information concerning "late collisions," "excess collisions," or "dropped frames" as recited in Applicants original specification at page 3, lines 2-3 and Applicants new claims 33-35.

Further, Applicants respectfully submit that Onagawa fails to bolster Kuo's deficiencies regarding "storing the status information and the statistical information on a storage device using a single write procedure" as recited in independent claims 1, 10, 26, and 28. Without admitting that PCI status information is equivalent to statistical information concerning a bus condition, Applicants assert that Onagawa fails to address storing the PCI status information at all, much less "storing the status information and the statistical information on a storage device ***using a single write procedure***" as recited in the claims.

In addition, Applicants respectfully submit that Onagawa fails to disclose "receiving statistical information concerning data packets traveling from a network

server to a network client” as recited in Applicant’s newly added dependent claim 32. Onagawa states that the monitoring of transactions of the first PCI bus and the second PCI bus is to determine whether there has been “an access to a desired configuration area in the PCI agent device or not” (Onagawa, col. 2, lines 62-64) and has nothing to do with receiving statistical information concerning a network condition. Further, the PCI status information from the PCI state machine 21 is not “statistical information” at all, but is indeed status information of the PCI state machine 21 as described in relation to Fig. 4 of Onagawa.

Regardless, as discussed in an interview on March 24, 2004, Applicants have amended the claims to further clarify that the bus may serve as a network communication link, i.e., part of a distributed computing network as set out at page 2 of Applicants’ specification.

Accordingly, Applicants urge the Examiner to withdraw the §103(a) rejection of independent claims 1, 10, 26, and 28 as being unpatentable over Kuo in view of Onagawa. For at least the reason that dependent claims 2-9, 11-25, 27, and 29-37 depend, either directly or through intervening dependent claims, from otherwise allowable independent claims, Applicants assert that these dependent claims are allowable and that any rejection of these dependent claims be withdrawn as well.

Conclusion

Applicant respectfully submits that all of the Examiner’s rejections have been overcome, and that the claims are in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is invited to initiate another interview by calling 512-314-0036 if the Examiner believes that such an interview will advance prosecution of this application.

Charge our Deposit Account

Please charge any shortage or credit any over payment to our Deposit Account No. 50-0221.

Respectfully submitted,

Date:

4/9/04

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